

COPY**COLUMBUS DIVISION OF POLICE****Pilya Aff.****Ex. 1****PROGRESS OF INVESTIGATION****PAGE NO. 1**

CLASSIFICATION POLICE INVOLVED SITUATION (FATAL)	REPORT NUMBER 160822744	CASE FILE NO PIS 2016-0018
INVOLVED OFFICER(S) P.O. BRYAN MASON #2467		DATE OF OCCURRENCE SEPTEMBER 14, 2016
PLACE OF OCCURRENCE R/O 27 HOFFMAN AVENUE		

PRELIMINARY PROGRESS:

On September 14, 2016, I, Homicide Cold Case/C.I.R.T. Detective William Gillette #1616, was notified by personnel working the Investigative Duty Desk, about a Police Involved Situation, located at S. 18th Street and E. Broad Street. I advised them I would be responding and arrived at the scene at approximately 8:53 p.m. The weather conditions were noted to be nighttime. The skies were clear and the temperature was approximately 70° Fahrenheit.

The following C.I.R.T. personnel responded to the scene:

Homicide Cold Case Sergeant Eric Pilya #5115
 First Shift Homicide Sergeant David Sicilian #5182
 Second Shift Homicide Sergeant Stan Latta #5124
 Second Shift Homicide Detective Martin Kestner #1827
 Second Shift Homicide Detective Stephen Glasure #1617
 Homicide Cold Case Detective Steven Eppert #1274
 Second Shift Homicide Detective Aaron Mall #2009
 Second Shift Homicide Detective Robert Cutshall #1930

I will be the primary detective assigned to this case and will also be the reporting officer.

After we arrived at the scene, we were briefed by Officers Ryan McKee #1398 and Kevin Yankovich #1335. Officers McKee and Yankovich related the following information:

They were working a special duty assignment for Nelson Park apartments, which is located at Maryland Avenue and Nelson Road, in Cruiser #R72. Officer Yankovich was driving the cruiser. They related the cruiser is not equipped with a video system. As they were driving southbound approaching Long Street, the Radio Room Dispatcher aired a robbery at gunpoint at E. Broad Street and S. 18th Street.

DISPOSITION/STATUS	DATE	AGES/PERSONS ARRESTED 19 / DEMETRIUS BRAXTON	
CLEARED BY ARREST	9/17/2016	DETECTIVE WILLIAM GILLETTE	BADGE 1616
		DETECTIVE'S SIGNATURE <i>William Gillette</i> #1616	
		SUPERVISOR'S SIGNATURE <i>Steve Eppert</i>	IBM 515

:WG/10/4/16

:sg/10/6/16

I-20.100 (4/2007)

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The officers started heading that way and upon their arrival, they were met by three or four individuals. One of the individuals told the officers there were multiple suspects and they fled in the area on foot, in an eastern or southeastern direction.

Officer Yankovich drove southbound on 18th Street and turned eastbound on Oak Street. He then drove the cruiser northbound on Hoffman Avenue, and as the officers approached Broad Street, they observed a group of males in the roadway on Hoffman Avenue, south of Broad Street. One of the individuals was wearing a white t-shirt and the other was wearing a dark colored t-shirt. Two (2) of these individuals took off running. The third individual just remained stationary, as Officers Yankovich and McKee gave chase to the other two suspects on foot. The officers pursued these two individuals into a back yard of one the residences and these two individuals jumped over a fence. At one point, Officer Yankovich was able to get the gate open and as they were attempting to get through the gate, Officer McKee related he heard two to three (2-3) gunshots and Officer Yankovich related he heard three to four (3-4) gunshots. Officers Yankovich and McKee said they did not see the shooting, they only heard the gunshots.

Officer McKee related that although he did not see the faces of the two subjects running from them, based on the fresh pursuit, the two (2) individuals in the alley were the same two that he and Officer Yankovich were chasing. He related they only lost sight of them for a couple of seconds. Officer McKee handcuffed the subject that was lying in the alley in the black t-shirt, who was later identified as DEMETRIUS BRAXTON, and then escorted him to and put him in the back of Cruiser #74. Officers Yankovich and McKee also related they observed a black semi-automatic handgun lying on the ground near the second suspect that was wearing the white t-shirt, later identified as TYRE KING. For complete details of the interviews of Officers McKee and Yankovich, completed by Detective Eppert, please refer to *Informational Summaries #7 and #8* respectively.

Detective Cutshall responded to the hospital and conducted a hospital follow-up. He identified the suspect as:

TYRE KING
MALE / BLACK / 13
DOB: 12/7/2002
SSN: [REDACTED]
ADDRESS: 2141 LISA DRIVE
 COLUMBUS, OHIO 43219

For complete details of the hospital follow-up, please see *Informational Summary #4*. By the time the C.I.R.T. arrived at the scene, the suspect had already been removed from the scene by personnel working Columbus Division of Fire Medic #1, and had been transported to Nationwide Children's Hospital, suffering from multiple gunshot wounds. The suspect was later pronounced deceased by Doctor Ellen McManus, at 8:22 p.m. On September 15, 2016, Officers Shawn Pagniano #1902 and David Larrison #1790, working Prisoner Transport Vehicle #168, transported Mr. King from Children's Hospital to the

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Franklin County Coroner's Office, 520 King Avenue.

While at the hospital, Detective Cutshall made next of kin notification, for details concerning that contact, please see *Informational Summary #5*. Detective Cutshall also spoke to the paramedics who responded to the scene, for details concerning that contact; please see *Informational Summary #6*.

Detective Glasure processed the scene. For complete details, please see *Informational Summary #1*. Briefly, the scene was in the rear of 27 Hoffman Avenue. There is a parking lot in the rear of that residence and there was a red Honda Accord, bearing Ohio tag, *EIR-5141*, facing south, behind the residence. There were three (3) spent .40 caliber shell casings, which were found on the ground. There was a black semi-automatic handgun, which was found on the ground next to the driver side front tire of the Honda Accord, which was later determined to be a BB gun. This area was also where Mr. King was lying, before he was transported from the scene by CFD Medic #1 personnel.

The following Crime Scene Search Unit (C.S.S.U.) personnel responded to the scene:

Sergeant John Standley #5181
Detective Lisa Swisher #1986
Detective Larry Shoaf #1217

They were asked to photograph, sketch and collect all pertinent evidence.

A canvass of this area was conducted by detectives. For details, please see *Informational Summary #36*.

The shooting officer was Officer Bryan Mason #2467. Officer Mason was working CRT5 with Officer Robert L. Reffitt #222. Officer Reffitt was also interviewed at the scene by Detective Kestner and related the following information:

Officer Reffitt related they were dispatched on an armed robbery in the area of S. 18th Street and E. Broad Street. His recollection of the aired descriptions was that one (1) of the male blacks was in a white t-shirt and that one (1) of the other male blacks was wearing a black t-shirt, but he told Detective Kestner he could not be completely certain of this. Officer Reffitt was driving, and as they were getting closer to the location, Radio Room personnel aired that the suspects were now running southeast through the parking lot of the Red Cross building, which is located in the area of Hoffman Avenue and E. Broad Street.

As Officer Reffitt turned the cruiser southbound onto Hoffman Avenue, he observed three (3) males walking northbound on the sidewalk on the west side of the street, just south of Capital Street. At the same time, he observed Officers Yankovich and McKee turn northbound onto Hoffman Avenue from Madison Avenue. As this happened, two (2) of the three (3) individuals fled westbound between the houses. Officer Reffitt related that Officer Mason exited the cruiser and ran westbound on Capital Street and he pulled the cruiser in behind Officer Mason and followed him a short distance.

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As Officer Reffitt exited the driver seat of his cruiser, he was standing at the rear of a black (later determined to be red) Honda 4-door, which was parked facing south. The suspect, later identified as Mr. King, was standing at the front end of the Honda, and Officer Reffitt heard Officer Mason giving commands to Mr. King. When asked, Officer Reffitt remembered hearing Officer Mason say, **"Get on the ground"** approximately twice, and he was giving some other verbal commands also, but Officer Reffitt could not remember what they were. Officer Reffitt also related he could see that Mr. King was pulling a handgun from the area of his waistband. It was at that point, when Mr. King produced the handgun, that Officer Mason fired approximately three (3) times with his service weapon. For complete details of the interview with Officer Reffitt, please see *Informational Summary #12*.

Also interviewed at the scene by Detective Mall, was the victim of the robbery:

MICHAEL J. AMES
MALE / WHITE / 34

For details of the interview with Mr. Ames, please see *Informational Summary #18*. Briefly, Mr. Ames was walking from the Yellow Brick Pizza restaurant, which is located at S. 18th Street and Oak Street. As Mr. Ames was walking northbound on S. 18th Street, he related that a male black, with "dreads in his hair", approached him and asked him what time it was. Mr. Ames related he really didn't answer him and just kept on walking. He heard something behind him and when he turned around, one (1) of the other individuals, who was with the guy with the dreads, was pointing a gun at him, and demanding that he empty his pockets. Mr. Ames did, and the individual took some cash from Mr. Ames. Mr. Ames was able to pick up his wallet and he ran to the intersection of E. Broad Street and S. 18th Street.

Mr. Ames was able to give a description of these individuals and on September 15, 2016, Mr. Ames responded to Columbus Police Headquarters, where he was shown two photo arrays. One was created by Detective Eppert, the other was created by me. One of the photo arrays contained a photograph of Demetrius Braxton, who was the individual apprehended in the alleyway during this Police Involved Situation/Shooting. Detectives had developed the name of another individual, who had possibly asked Mr. Ames the time. I included that individual in the second photo array and Homicide Cold Case/C.I.R.T. Detective Dana Croom #1225, acting as a *Blind Administrator*, showed Mr. Ames both of the photo arrays. Mr. Ames was able to pick out and identify Mr. Braxton as the individual who robbed him at gunpoint, but he was unable to identify the person who asked him what time it was. For details concerning the viewing of the photo arrays by Mr. Ames, please see *Informational Summary #29*.

There were also two (2) female witnesses, who were standing at the intersection of E. Broad Street and S. 18th Street, at the time this robbery occurred. These females are identified as:

SARAH E. YANTIS
FEMALE / WHITE / 28

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and

FELICIA JOHNSON
FEMALE / BLACK / 44

Both of these individuals were interviewed by Detective Kestner, while at the scene. Ms. Yantis related she and her girlfriend, Ms. Johnson, were standing at the corner of S. 18th Street and E. Broad Street, talking and getting ready to go their separate ways to go home, when Ms. Johnson suddenly pointed to the south and said, "That guy's got a gun!" At first, Ms. Yantis didn't believe Ms. Johnson, because she couldn't see anything, but she then observed a male black, in a black hoodie, with a black gun, pointing it. Ms. Yantis didn't think the individual was pointing a gun at anyone until she saw the victim of the robbery, later identified as Mr. Ames, come out from behind a parked vehicle. Ms. Yantis related the suspect had the gun pointed at the victim for approximately three (3) minutes. Even as the victim was walking away from the suspect, the suspect continued pointing the gun at him. She also saw three (3) other males come up with the first suspect. She could not identify any of these individuals, but could tell that they were all males. She believed them to be black, but she could not be absolutely sure. She did state that one (1) of them was wearing a white t-shirt, one (1) was in a red t-shirt, and the other was wearing a black and white t-shirt.

After the robbery, Ms. Yantis related the suspects were fleeing eastbound over some of the fences and at that point, she lost sight of them. Ms. Yantis also related that while the robbery was occurring, she and her girlfriend were on the phone with 911 personnel, telling them what was going on. After the robbery, the victim, Mr. Ames, approached them, and they sat with him until police arrived. Ms. Yantis also related that shortly after the individuals jumped a fence and she lost sight of them, she heard approximately five (5) gunshots. For complete details of the contact with Ms. Yantis, please see *Informational Summary #13*.

Ms. Johnson related as she and her girlfriend, Ms. Yantis, were standing at the corner of S. 18th Street and E. Broad Street, she saw what she believed was approximately six to seven (6-7) people, and possibly one (1) of them being a female in the group, on S. 18th Street, just south of E. Broad Street. Ms. Johnson observed an individual with a handgun, pointing it at someone that she could not see, at that time. A short time after that, an individual who was later identified as Mr. Ames, came up to her and Ms. Yantis and said that he was just robbed. Ms. Johnson and Ms. Yantis told him that they were on the phone with 911 personnel, telling them what was going on. Ms. Johnson related she told the 911 operator that the suspects were running towards the Red Cross building, which is located at the corner of E. Broad Street and Hoffman Avenue. She continued by stating they disappeared from her view and then she heard gunshots. Ms. Johnson related she never saw anyone firing a weapon. Ms. Johnson described some of the individuals in the group:

SUSPECT #1
FEMALE / BLACK
LIGHT SKINNED
PINK HOODIE

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SUSPECT #2

MALE / BLACK
RED AND WHITE SHIRT

SUSPECT #3

MALE / BLACK
WHITE SHIRT

SUSPECT #4

MALE / BLACK
BLACK HOODIE
GUN

She believed Suspect #4, the male in the black hoodie, was the individual holding the gun. For complete details of the contact with Ms. Johnson, please see *Informational Summary #14*.

Also interviewed at the scene by Detective Eppert, was a neighbor identified as:

MICHAEL WERNIMONT

MALE / WHITE / 48

ADDRESS: 964 MADISON AVENUE, APT. H
COLUMBUS, OHIO 43205

Mr. Wernimont told Detective Eppert that earlier in the evening, he was in front of his apartment building smoking a cigarette and observed five to six (5-6) male and female blacks, running from the area of the Yellow Brick Pizza shop. Mr. Wernimont saw three or four (3-4) individuals break off from the group and run up the alley northbound. Sometime later, after he returned inside his apartment, Mr. Wernimont heard three (3) gunshots. He indicated his apartment is on the front or south side of the building, which faces Madison Avenue. For complete details of the contact with Mr. Wernimont, please see *Informational Summary #11*.

Also interviewed at their residence by Detective Eppert was:

CHRIS NADERER

MALE / WHITE / 25

ADDRESS: 33 HOFFMAN AVENUE
COLUMBUS, OHIO 43205

and

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DANIELLE VERNER**FEMALE / WHITE / 25****ADDRESS: 33 HOFFMAN AVENUE
COLUMBUS, OHIO 43205**

Mr. Naderer and Ms. Verner related to Det. Eppert they heard approximately three to five (3-5) gunshots. Prior to the gunshots, Mr. Naderer heard a "crash" or "thud", which he later learned was damage to his privacy fence. Mr. Naderer described the gunshots as being in rapid succession, from the same weapon. Mr. Naderer also heard someone, presumably a Police officer, yell, "Stop!" before the gunshots. Ms. Verner also heard yelling before the gunshots, but she could not say for sure what was said. Ms. Verner also distinctly heard one (1) of the three male black kids as they were running by say, "Oh shit! Oh shit!" as they ran by their dining room. Neither Ms. Verner, nor Mr. Naderer saw what occurred out back. For complete details of the contact with Ms. Verner and Mr. Naderer, please see *Informational Summary #9*.

Next to be interviewed at their residence was:

MICHAEL DALTON**MALE / WHITE / 35****ADDRESS: 27 HOFFMAN AVENUE
COLUMBUS, OHIO 43205**

Mr. Dalton told Detective Eppert he was sitting on the couch in his front living room, when he heard a "thud". At that time, Mr. Dalton looked out the front window and observed a cruiser southbound on Hoffman Avenue, south of Broad Street. He related the cruiser hit its brakes and went west in the alley along Mr. Dalton's residence. Mr. Dalton then stood up from the couch and as he was walking to the rear of his residence, he was watching the cruiser accelerate westbound in the alley. As he entered the dining room area just before the kitchen, Mr. Dalton heard approximately five (5) gunshots. After several seconds, Mr. Dalton went to his rear door and opened it, and at that point, observed four (4) Police officers in the alley around his car. For complete details of the contact with Mr. Dalton, please see *Informational Summary #10*.

After arriving at the scene, it was discovered that Demetrius Emanuel Braxton had been detained. He was transported to Columbus Police Headquarters, 6th floor, and placed in an interview room. I conducted an interview with Mr. Braxton on September 14, 2016, at which time, Mr. Braxton was read his *Constitutional Rights*, which he told me he understood, and he also advised me he would be willing to make a statement. During the interview with Mr. Braxton, he related he was with his girlfriend, who he identified as "AIKILA" and said they met up with two (2) individuals, one by the name of "TY" and the other he did not know; he just referred to him as "the guy with the dreads". Mr. Braxton stated they walked around all day and later in the interview, he told me there was a third individual with them, and described him as a male black, who wore a black hoodie pulled tight around his face.

Mr. Braxton admitted the group was searching for a victim to rob. Mr. Braxton identified Ty as the

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individual who had the gun, and said the guy with the dreads was the one who asked the male white victim what time it was. Then the guy with the dreads told Ty to give the individual wearing the black hoodie the gun, and the guy with the dreads instructed the guy wearing the black hoodie, who now had the handgun, to go up and rob the white guy, which he did. Mr. Braxton related at that point, they were walking eastbound towards the BP gas station. At some point, Ty stated the cops were coming and Mr. Braxton and Ty, who was later identified as Tyre King, took off running. Mr. Braxton related they jumped a couple of fences and after jumping the second fence, they were in the alleyway and at that time, an officer was pointing a gun at them and told them to get down, which Mr. Braxton did. Mr. Braxton said he heard some gunshots, was then handcuffed and placed in the back of a cruiser. After the interview was concluded, he was released from Police Headquarters and an officer transported him to his residence.

On September 17, 2016, I issued a Robbery warrant for the arrest of Demetrius Braxton. This information was related to the Columbus Police S.W.A.T. Team, and on this same date, at approximately 3:20 p.m., Mr. Braxton was arrested by S.W.A.T. officers and transported to Columbus Police Headquarters.

When Detective Glasure and I went into the interview room, I read Mr. Braxton his *Constitutional Rights*, at which time he stated he did not want to make a statement without his lawyer present; therefore, the interview with him was concluded.

Mr. Braxton was taken through the Columbus Police Identification Bureau on the 4th floor of Headquarters and then transported to the Franklin County Jail.

Mr. Braxton was charged with one (1) count of Robbery, Section 2911.02 (A-2), of the Ohio Revised Code, which is a felony of the second degree. The Franklin County case number is **16-21287**. However, there could be other charges brought against Mr. Braxton, as well as other individuals who may face charges out of this incident.

At this time I am requesting that *O.R. #160822744*, be **CLEARED BY THE ARREST** of:

DEMETRIUS EMANUEL BRAXTON**MALE / BLACK / 19****DOB: 9/4/1997****SSN: [REDACTED]****CPD ID: #56422C**

There is no further information available at this time.

The investigation will continue.